
50 CFR 17**Endangered and Threatened Wildlife and Plants; Reproposal of Critical Habitat for the Delta Green Ground Beetle**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Reproposal of Critical Habitat for the delta green ground beetle.

SUMMARY: The Service repropose Critical Habitat for the delta green ground beetle (*Elaphrus viridis*). This insect is known to occur only in Solano County, California. Threatened status and Critical Habitat were proposed for this species on August 10, 1978 (43 FR 35636-43). The Critical Habitat portion of that proposal was withdrawn by the Service on March 6, 1979 (44 FR 12383-84) because of procedural and substantive changes in prior law made by the Endangered Species Act Amendments of 1978. This rule repropose Critical Habitat for this species, to comply with the 1978 Endangered Species Act Amendments.

The Service seeks further information on the Critical Habitat of this beetle.

DATES: Comments from the public must be received by June 30, 1980. Comments from the Governor of California must be received by July 30, 1980. A public meeting on this proposal will be held on May 22, 1980. A public hearing on this proposal will be held on June 12, 1980.

ADDRESSES: Interested persons or organizations are requested to submit comments to Director (OES), U.S. Fish and Wildlife Service, Washington, D.C. 20240. Comments and materials relating to this rulemaking are available for public inspection by appointment during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia. The time and place of the public meeting and the public hearing on this proposal are presented in the table below.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-2771).

SUPPLEMENTARY INFORMATION:**Background**

The delta green ground beetle (*Elaphrus viridis*) is a predaceous beetle of the family Carabidae which is colored a striking metallic green intermixed with patches of gold (Andrews, 1978). It is limited in occurrence to the grassy edges of vernal pools south of Dixon, Solano County, California. Intensive search in similar habitats in other areas has failed to reveal the presence of this unique beetle (Andrews, 1978).

The delta green ground beetle was proposed as a threatened species on August 10, 1978 (43 FR 35636-43). The Critical Habitat portion of this proposal was withdrawn by the Service on March 6, 1979 (44 FR 12383-84) because of procedural and substantive changes in prior law made by the Endangered Species Act Amendments of 1978. The present rulemaking complies with the 1978 Endangered Species Act Amendments, which require, to the maximum extent prudent, that Critical Habitat be proposed at the time any regulation proposes any species to be Endangered or Threatened.

The habitat of this beetle is threatened by potential agricultural conversion, drainage, or pipeline construction (U.S. Fish and Wildlife Service, 1978). A letter from the California Department of Parks and Recreation to the Service outlines several proposed projects in the general area of the beetle's potential Critical

Habitat which might have an impact on the species if carried out (Hiehle, 1980).

No information has been received that would warrant a change in the previously proposed status for the species.

Literature Cited

- Andrews, F. G. 1978. Unpublished status report on *Elaphrus viridis* Horn, 1878 (Coleoptera: Carabidae). California Department of Food and Agriculture.
- Hiehle, J. L. 1980. Letter to Mr. C. Phillip Agee, Fish and Wildlife Service, dated February 20, 1980. California Department of Parks and Recreation.
- U.S. Fish and Wildlife Service. 1978. Proposed Endangered or Threatened Status and Critical Habitat for 10 Beetles. *Federal Register* 43:35636-43.

Critical Habitat

As provided by the Act and 50 CFR Part 402, "Critical Habitat" means (a) areas within the geographical area occupied by the species at the time that species is listed which are (1) essential to the conservation of the species and (2) which may require special management considerations or protection; and (b) specific areas outside the geographic area occupied by the species at the time it is listed, upon a determination by the Secretary that such areas are essential for the conservation of the species.

The Service believes that certain areas occupied by the delta green ground beetle should be designated as Critical Habitat. These areas include the only two vernal pools where the beetle occurs. This beetle occupies an extremely limited range and is susceptible to changes in its habitat. Because changes in the areas occupied by this species could result in its extinction, designation of Critical Habitat is essential for the conservation of this beetle.

Section 4(b)(4) of the Act requires the Service to consider economic and other impacts of specifying a particular area as Critical Habitat. The Service has prepared a draft impact analysis and believes that economic and other impacts of this action are not significant in the foreseeable future. The Service is notifying Federal agencies that may have jurisdiction over the land and water under consideration in this proposed action. These Federal agencies and other interested persons or organizations are requested to submit information on economic or other impacts of this proposed action (see below).

The Service will prepare a final impact analysis prior to the time of final rulemaking, and will use this document as the basis for its decision whether to

exclude any area from Critical Habitat for the delta green ground beetle.

Effect of This Proposal if Published as a Final Rule

Sections 4(b)(4) and 4(f)(4) of the Act require, to the maximum extent practicable, that any proposal to determine Critical Habitat be accompanied by a brief description and evaluation of those activities which, in the opinion of the Secretary, may adversely modify such habitat if undertaken, or those federal actions which may be impacted by such designation. Such activities are identified below for this species. It should be emphasized that Critical Habitat designation may not affect each of the activities listed below, as Critical Habitat designation only affects Federal agency activities, through Section 7 of the Act.

Two projects with Federal involvement are being planned for areas near to or within the proposed Critical Habitat. The California State Department of Water Resources is evaluating site options for an aqueduct which would supply water to the city of Fairfield, Solano County. Two sites being considered are adjacent to the proposed Critical Habitat. A U.S. Army Corps of Engineers permit would be required before construction could begin.

The second project being planned is a wastewater treatment plant for the city of Vacaville, Solano County. One potential site for effluent discharge is Barker Slough, which passes through the proposed Critical Habitat. The U.S. Environmental Protection Agency would provide 75 percent of the funding for this project.

Agricultural practices may adversely affect the proposed Critical Habitat of the beetle. Recent bulldozing has modified the area around one of the vernal pools where the beetle occurs.

The parties planning the two projects with Federal involvement are aware of the presence of the delta green ground beetle and are considering it in an EIR and EIS under preparation. The Service cannot prepare a final analysis of the effects of these activities on the proposed Critical Habitat, or the effects of Critical Habitat designation on the activities, until final plans are available. Both projects have various options which preclude further analysis until specific actions are proposed. Based on the information available to the Service, major conflicts are not anticipated from Critical Habitat designation for the delta green ground beetle.

Public Comments Solicited

The Director intends that the rule finally adopted will be as accurate and effective as possible in the conservation of any Endangered or Threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

- (1) Biological, commercial, or other relevant data concerning any threat (or the lack thereof) to the species;
- (2) Additional information concerning its range and distribution;
- (3) Current or planned activities which may adversely modify the subject areas which are being considered for Critical Habitat; and
- (4) The foreseeable economic and other impacts of the Critical Habitat designation on federally funded or authorized projects.

Public Meetings

The Service hereby announces that a public meeting and a public hearing will be held on this proposed rule. The public is invited to attend these sessions and to present opinions and information on the proposal. Specific information relating to the public meeting and public hearing is set out below:

Public Meeting

Place, Date, Time and Subject

Tennis Club, 4120 Chiles Rd. Davis, Calif.,
May 22, 1980, 7:30-10:00 p.m.; Delta green ground beetle

Public Hearing

Place, Date, Time and Subject

Tennis Club 4120 Chiles Rd. Davis Calif., June 12, 1980, 7:30-10:00 p.m.; Delta green ground beetle

National Environmental Policy Act

A draft environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia, and may be examined by appointment during regular business hours. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

The primary authors of this rule are Dr. Michael M. Bentzien and Dr. Paul A. Opler, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1975).

Note.—The Department of the Interior has determined that this is not a significant rule and does not require preparation of a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Regulations Promulgation

According, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

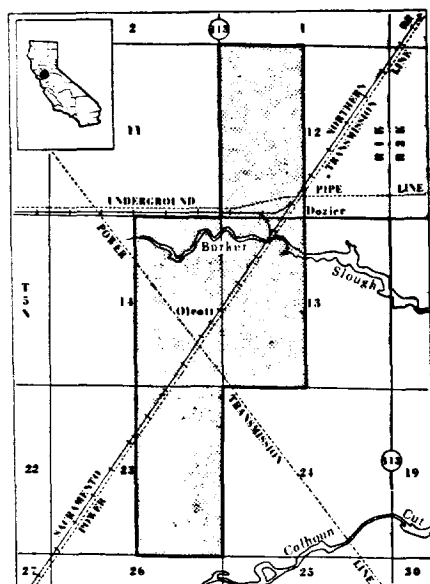
§ 17.95 [Amended]

1. It is proposed that § 17.95(i), Insecta, be amended by adding Critical Habitat of the delta green ground beetle after that of the California elderberry longhorn beetle as follows:

Delta Green Ground Beetle

(*Elaphrus viridis*)

California, Solano County. T.5 N.R.1.E.
W½ Sec. 12, W½ Sec. 13, E½ Sec. 14,
E½ Sec. 23.



Dated: April 23, 1980.

Robert S. Cook,

Acting Director, Fish and Wildlife Service.

[FR Doc. 80-13484 Filed 5-1-80; 8:45 am]

BILLING CODE 99-13484-01